

Chapter 4

AVIATION*

* **Charter References:** Authority of city to establish, own and operate airports, § 2.3.

State Law References: Aviation generally, M.S.A., Ch. 76; authority to acquire and operate airports, § 10.226; joint operation of airport facilities authorized, § 10.234.

Art. I. In General, §§ 4-1--4-19

Art. II. Landing of Aircraft, §§ 4-20--4-23

ARTICLE I.

IN GENERAL

Sec. 4-1. Authority to purchase land, air rights.

The city council is hereby authorized to acquire, either exclusively or in conjunction with other governmental units or agencies of the State of Michigan and/or with agencies of the United States Government, land or interests in land or air rights over land either in or without the corporate limits of the city for the purpose of constructing exclusively or jointly-owned landing facilities for aircraft, or navigational aids for aircraft, or other appropriate facilities incidental to the operation of landing facilities and aids, or for the purpose of protecting the approaches to landing areas for aircraft either in or without the corporate limits of the city.

Sec. 4-2. Authority to enter into agreements.

The city council is hereby authorized to enter into agreements with other governmental units or agencies of the State of Michigan and/or with agencies of the United States Government, concerning the acquisition of jointly-owned airport land or air rights, and the manner in which title or lease thereto shall be held, and also in reference to the acquisition and maintenance of jointly-owned airport landing facilities and/or navigational aids to be constructed on jointly-owned property which may be acquired under the provisions of section 4-1.

Sec. 4-3. Establishment of operating agencies.

The city council is hereby authorized to establish, in conjunction with other governmental units of the State of Michigan, agencies to regulate and control jointly-owned aircraft landing facilities and/or navigational aids in accordance with the statutes of the State of Michigan. Such authority may be exercised by a contract with other governmental units of the State of Michigan. Such agencies shall have such authority as may by resolution be adopted from time to time by the city council and by the other governmental units of the State of Michigan.

Sec. 4-4. Appropriations.

The city council shall have authority to appropriate and apportion such sums of money as it deems necessary for the purposes of this chapter.

Sec. 4-5. Aviation advisory commission--Created; composition; qualifications.

There is hereby created an aviation advisory commission consisting of five (5) members. Two (2) of the members shall be active pilots basing their airplanes or flying airplanes based at the Jack Barstow Municipal Airport, and three (3) members shall be selected from the public at large.

(Ord. No. 851, § 5, 2-3-75; Ord. No. 1600, § 5-9-05)

Sec. 4-6. Same--Term of office.

Each member of the aviation advisory commission shall be appointed for a term of three (3) years, commencing July 1st, except that at the first appointment, one member shall be appointed to serve until July 1, 1965; one member to serve until July 1, 1966, and two (2) members to serve until July 1, 1967. The term of the Tri-City Airport Commission member shall correspond to his tenure as a member of that commission or until he is replaced by the city council.

Sec. 4-7. Same--Executive secretary.

The executive secretary of the aviation advisory commission shall be the airport manager, a city employee.

Sec. 4-8. Same--Duties.

It shall be the duty of the aviation advisory commission to:

- (1) Submit to the city council for approval an outline of rules under which they will conduct business, including a definition of officers and their duties.
- (2) Advise the city council regarding user charges and any other aviation costs that influence the use and development of the airport.
- (3) Advise the city council on the creation of an airport development plan including runways, hangers, building construction and other improvements that may favorably affect the installation.
- (4) Stimulate good housekeeping and improved maintenance of all grounds, buildings and other facilities.
- (5) Promote the increased use of the airport in order that it may serve the city at large in an ever increasing degree.

Sec. 4-9. Airport facilities to be managed by city department.

Landing facilities and/or navigational aids at city airports owned exclusively by the city shall be operated and their business conducted as a city department subject to the provisions of section 2.3 of the city charter. Incident to the powers granted, the city council, in its discretion, shall have the right to provide for the

operation of all or part of such facilities by rent or lease.

Sec. 4-10. Airport manager; appointment, duties.

The city manager shall appoint an airport manager. Such airport manager shall perform such duties as may be assigned to him by the city manager.

State Law References: Authority to employ airport manager, M.S.A., § 10.233.

Sec. 4-11. Rules, regulations governing aircraft use.

The city council shall establish by resolution such regulations relative to the general control, supervision and use of landing facilities and navigational aids, owned exclusively by the city or within the corporate limits of the city, and of aircraft operating over the city, or using such facilities and aids, as shall be deemed necessary or advisable. Such regulations shall include all rules and regulations made by the Michigan Aeronautics Commission and the United States Department of Transportation relative to airmen, aircraft, air traffic and airports. Local regulations shall not become effective until published in the official newspaper of the city and prominently displayed on the airport bulletin boards.

State Law References: Authority to adopt, amend airport ordinances, regulations, M.S.A., § 10.233.

Sec. 4-12. Unlawful to violate rules, regulations.

It shall be unlawful to violate any airport rule or regulation or to handle any aircraft or any property connected with landing facilities or navigational aids in violation of such regulations, or to refuse to comply therewith. Any person violating this section may be promptly removed from such property, or temporarily grounded upon the order of the airport manager or city manager, and may be deprived of further use of airport properties and facilities for such time as may be required to insure safeguarding such facilities and the public.

Sec. 4-13. Fixing rates, charges.

The city council shall fix by resolution all rates or charges for the use of the property or equipment of the city aircraft landing facilities, or incidental facilities, as shall be deemed advisable.

State Law References: Authority to determine airport charges, fees, M.S.A., § 10.233.

Sec. 4-14. Annual airport report.

The aviation advisory commission, the city manager and the airport manager shall annually prepare and submit to the city council a joint report for the twelve (12) months ending March 1st covering all aviation matters within their jurisdiction, except the annual financial statement and budget estimate. Such report shall be due on March 15th of each year, and shall include a statement of the general condition of the city landing facilities and navigational aids, an analysis of inspection reports, the amount of air traffic accommodated, a summary of accidents, the adequacy of existing facilities and aids, adequacy of existing fees and regulations, and similar matters, together with recommendations for any proposed changes, and such other matters as may be requested by the city council.

Secs. 4-15--4-19. Reserved.

ARTICLE II.

LANDING OF AIRCRAFT*

* **Cross References:** Use of the public right-of-way, § 22-1.

Sec. 4-20. Prohibition against landing in unauthorized places.

No person shall, except in an emergency, land an aircraft at any place within the city other than landing facilities as designated by the city, state or federal aviation agencies.
(Ord. No. 874, § 1, 11-3-75)

Sec. 4-21. Designation of heliports or helistops.

The aviation advisory commission may designate, with the approval of the council, private heliports or helistops complying with Chapter 6, paragraphs 25 through 31, of the Heliport Design Guide dated November, 1969, published by the Federal Aviation Administration of the United States Department of Transportation or any authorized amendment or supplement thereto. If such private heliport or helistop shall be located on a building or other structure, it shall comply with the city's building code.
(Ord. No. 874, § 2, 11-3-75)

Sec. 4-22. Off-heliport or helistop helicopter landings.

Notwithstanding the provisions of section 4-20 of this chapter, off-heliport or helistop helicopter landings may be made upon private and Midland Public Schools property with the consent of the owner or authorized representative thereof where said landing is made more than one hundred twenty-five (125) feet from the property line of any property owner whose prior consent has not been obtained to such operation. Such off-heliport landings shall not be conducted more than twice in any twenty-four hour period nor shall any property, not designated a heliport or helistop pursuant to the provisions of section 4-21 of this chapter, be continually used for helicopter landings.
(Ord. No. 874, § 3, 11-3-75; Ord. No. 1617 § 1, 05-22-06)

Sec. 4-23. Zoning ordinances not affected.

No provisions of this chapter shall be construed to alter or amend any provisions of the city's zoning ordinance and no use prohibited by the terms of said ordinance shall be deemed permitted by the provisions of this chapter.
(Ord. No. 874, § 4, 11-3-75)